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FAX TRANSMISSION**DATE:** December 10, 2004**PTO IDENTIFIER:** Application Number 10/005,469

Patent Number

Inventor: Vadim Bichko et al.**MESSAGE TO:** US Patent and Trademark Office**FAX NUMBER:** (571) 273-8300 -**FROM:** DARBY & DARBY P.C.

Irina E. Vainberg, Ph.D.

PHONE: (212) 527-7634**Attorney Dkt. #:** 00342/100H395-US1**PAGES (Including Cover Sheet):** 8**CONTENTS:** Declaration Transmittal (2 pages)
Declaration w/Exhibit A (5 pages)
Certificate of Transmission (1 page)

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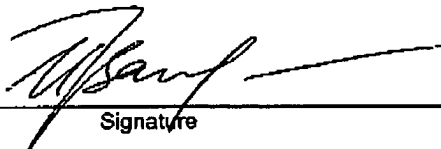
Application No. (if known): 10/005,469

Attorney Docket No.: 00342/100H395-US1

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Declaration Transmittal (2 pages)

Declaration w/Exhibit A (5 pages)

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Serial No.: 10/005,469
Filed: November 7, 2001
Group Art Unit: 1648

EXPRESS MAIL CERTIFICATE

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File No.: 00342/100H395-US1

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: Vadim Bichko et al.

Serial No.: 10/005,469

Group Art Unit: 1648

Filed: November 7, 2001

Examiner: Bao Qun Li

Confirmation No.: 7244

For: HEPATITIS C VIRUS CONSTRUCTS CHARACTERIZED BY HIGH EFFICIENCY
REPLICATION

TRANSMITTAL OF THE ATCC DEPOSIT DECLARATION

Commissioner for Patents
PO Box 1450
Alexandria, VA 22313-1450

Sir:

Further to the Amendment in the above-identified application transmitted by FAX on
December 10, 2004 and pursuant to the Examiner's request, submitted herein is a Declaration

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Serial No.: 10/005,469
Filed: November 7, 2001
Group Art Unit: 1648

verifying that the claimed HCVR 9 cell line has been deposited under the terms of the Budapest Treaty.

Applicants request entry of this Declaration in the file history of this application. If the Examiner believes that a telephone conversation would help advance the prosecution in this case, the Examiner is respectfully requested to call the undersigned agent at (212) 527-7634. The Examiner is hereby authorized to charge any additional fees associated with this submission to our Deposit Account No. 04-0100.

Dated: December 10, 2004

Respectfully submitted,



Irina E. Vainberg, Ph.D.
Reg. No. 48,008
Agent for Applicant(s)

DARBY & DARBY P.C.
805 Third Avenue
New York, New York 10022
212-527-7700

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File No.: 00342/100H395-US1

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: Vadim Bichko et al.

Serial No.: 10/005,469

Group Art Unit: 1648

Filed: November 7, 2001

Examiner: Bao Qun Li

Confirmation No.: 7244

For: HEPATITIS C VIRUS CONSTRUCTS CHARACTERIZED BY HIGH EFFICIENCY
REPLICATIONDECLARATIONCommissioner for Patents
PO Box 1450
Alexandria, VA 22313-1450

I, Devron R. Averett, Ph.D., am the Chief Scientific Officer at Anadys Pharmaceuticals,
Inc., assignee of the above-identified patent application, and do hereby declare and state as
follows:

{M:\00342\100h395us1\00318608.DOC *00342100H395US1* }

Serial No.: 10/005,469
Filed: November 7, 2001
Group Art Unit: 1648

1. As disclosed at page 14, lines 28-32, page 29, lines 11-15, and page 41, lines 28-37 of the specification, the cell line designated HCVR 9 was deposited on September 20, 2000 with the American Type Culture Collection (ATCC) located at 10801 University Boulevard, Manassas, VA 20110 2209, USA, and received the Deposit (Accession) Number PTA-2486. A true copy of the original ATCC Deposit Receipt for this cell line deposit is attached herein as Exhibit A.

2. The cell line HCVR 9 has been accepted for deposit under the terms of the Budapest Treaty.

3. The cell line HCVR 9 will be irrevocably and without restriction or condition released to the public upon granting of a United States patent on this application. This cell line will also be made available during the pendency of the application to one determined by the Commissioner to be entitled thereto under 37 C.F.R. § 1.14 and 35 U.S.C. § 122.

4. The cell line HCVR 9 will be maintained at the above-mentioned public depository for a period that is at least: (a) 30 years from the date of deposit, (b) the enforceable life of any patent issuing from this application, or (c) a period of five years after the date of the most recent request for furnishing a sample of biological material, whichever is longest.

5. The cell line HCVR 9 will be replaced should it become necessary due to inviability, contamination or loss of capability to function in the manner described in the specification.

6. I declare that all statements made herein are based on personal knowledge or upon information and belief and are believed to be true; and further that these statements are made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that

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Serial No.: 10/005,469
Filed: November 7, 2001
Group Art Unit: 1648

such willful false statements may jeopardize the validity of the above-identified application or any patent issuing thereon.

Respectfully submitted,

10 DEC 2004
Date


Devron R. Averett, Ph.D.

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EXHIBIT A

12/10/2004 17:39 FAX 2127536237

DARBY&DARBY

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10/10/00 11:52 FAX 781 768 0040

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ATCC

703 365 2745 P.01

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Date: October 6, 2000

To: Vadim Bichko
Fax Number: 781-768-0040

From: ATCC Patent Depository **Number of pages:** 1 (Including this page)

REFERENCE: Patent Deposit (Ref: Docket or Case No.: 0342/OH395)

Human Hepatoma Cell Line (Huh-7): HCVR 9 assigned PTA-2486,
Human Hepatoma Cell Line (Huh-7): HCVR 22 assigned PTA-2487,
Human Hepatoma Cell Line (Huh-7): HCVR 24 assigned PTA-2488,
Human Hepatoma Cell Line (Huh-7): HCVR 2 assigned PTA-2489 and
Human Hepatoma Cell Line (Huh-7): HCVR 8 assigned PTA-2490.

Date of Deposit: September 20, 2000. Paperwork will be forwarded to you in a few days. An invoice will be sent under separate cover referencing PO# 45-0900:

Standard storage/informing	\$ 5,500.00
Viability Test	<u>1,500.00</u>

Total amount to PTA-2486 to PTA-2490 \$ 7,000.00


Tanya Nurnally, Patent Specialist
ATCC Patent Depository

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